

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

KAREN DENISE WITHERSPOON

Date of Previous Judgment: 9/10/2007

(Use Date of Last Amended Judgment if Applicable)

)

)

) Case No: 5:06CR00022-022

) USM No: 20788-058

) Frank A. Abrams

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 37

Amended Offense Level: 37

Criminal History Category: VI

Criminal History Category: VI

Previous Guideline Range: 360 to life months

Amended Guideline Range: 360 to life months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): Amendment 706 provides no reduction for cocaine base amounts of 4.5 kilograms or more and this case involves 7.62 kilograms of cocaine base. The defendant is also a Career Offender and there is no change in the offense level.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 9/10/2007 shall remain in effect.

IT IS SO ORDERED.

Order Date: October 26, 2011

Effective Date: October 26, 2011
(if different from order date)



Richard L. Voorhees
United States District Judge

